

DETAILED ACTION

Claim Status

1. Claims 3—7, 9-11, 13, 15-16, 19-41, 44-46, and 49-51 are pending.

Claim Rejections - 35 USC § 101

2. Regarding claim 50, this claim recites a “memory” and a “processor”. In the absence of any other modifying disclosure of this limitation in the specification, the “memory” and “processor” are limited to statutory embodiments only such that it satisfies the terms of 35 U.S.C. 101.

3. Regarding claim 51, this claim recites a “computer-readable storage medium”. In the absence of any other modifying disclosure of this limitation in the specification, the “computer-readable storage medium” is limited to statutory embodiments only such that it satisfies the terms of 35 U.S.C. 101.

Examiner’s Amendment

4. An examiner’s amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

5. Authorization for an examiner's amendment was given in a telephone interview with Mr. Bradley D. Lytle (reg. 40,073) on February 18, 2010.

6. In the specification please replace paragraph 0058 with the following amended paragraph 0058.

[0058] The term "computer readable medium" as used herein refers to any medium that participates in providing instructions to the processor 1203 for execution. A computer readable storage medium [[may take many forms, including but not limited to,]]includes non-volatile media[[, volatile media, and transmission media]] and volatile media. Non-volatile media includes, for example, optical, magnetic disks, and magneto-optical disks, such as the hard disk 1207 or the removable media drive 1208. Volatile media includes dynamic memory, such as the main memory 1204. Transmission media includes coaxial cables, copper wire and fiber optics, including the wires that make up the bus 1202. Wireless transmission media also may also take the form of acoustic or light waves, such as those generated during radio wave and infrared data communication.

7. In the claims, please replace all claims with the amended claims below.

Claims 1-2. (Canceled).

Claim 3. (Currently Amended) The method of [[C]]claim 49, wherein said converting step includes identifying a file that is not convertible as an exception file.

Claim 4. (Currently Amended) The method of [[C]]claim 49, further comprising a step of:

displaying summary statistics prior to said outputting step.

Claim 5. (Currently Amended) The method of [[C]]claim 4, wherein said step of displaying comprises:

displaying a series of parent-child relationships between a file and an attachment to said file said parent-child relationship being a document context.

Claim 6. (Currently Amended) The method of [[C]]claim 5, wherein at least said converting step is a step performed in a software plug-in module.

Claim 7. (Currently Amended) The method of [[C]]claim 49, wherein said metadata comprises:

date created, last date opened, last date modified, creator name, matter name, and predetermined identification and quality control data.

Claim 8. (Cancelled).

Claim 9. (Currently Amended) The method of [[C]]claim 49, wherein said step of converting further comprises: marking a file that cannot be converted as an exception file.

Claim 10. (Currently Amended) The method of [[C]]claim 49, wherein said step of physically loading and copying comprises:

transferring via a drag-and-drop user interface comprising one of a computer mouse and a pointing device.

Claim 11. (Currently Amended) The method of [[C]]claim 49, wherein said working copy comprises:

a time-stamped audit file configured to record a file history spanning file creation to file destruction.

Claim 12. (Cancelled)

Claim 13. (Currently Amended) The method of [[C]]claim 49 [[12]], further comprising:

performing page counts and time stamping[[/]]_or digital authentication of said output file.

Claim 14. (Cancelled).

Claim 15. (Currently Amended) The method of [[C]]claim 9, wherein said file that cannot be converted comprises one of:

- a file with a virus;
- an encrypted file;
- a corrupted file;
- an unknown file-type; and
- a deselected file.

Claim 16. (Currently Amended) The method of [[C]]claim 9, wherein said step of marking a file that cannot be converted comprises one of:

- logging said exception file; and
- exporting said exception file.

Claim 17. (Cancelled)

Claim 18. (Cancelled)

Claim 19. (Currently Amended) The method of [[C]]claim 49, wherein said step of converting comprises:

time stamping and digitally authenticating both an image and a file of extracted meta-data.

Claim 20. (Currently Amended) The method of [[C]]claim 49, wherein said step of converting comprises one of:

time stamping or digitally authenticating the output file; and
appending selected meta-data.

Claim 21. (Currently Amended) The method of [[C]]claim 20, wherein said step of converting comprises:

creating one or more searchable subordinate text files containing the contents of an operator-selected subset of the selected files;

time stamping or digitally authenticating the one or more subordinate text files;
and

appending selected meta-data about the files included in the subordinate text files.

Claim 22. (Currently Amended) The method of [[C]]claim 49, further comprising:

extracting one of file content data, content header information, file meta-data, file type information, and file characteristic data.

Claim 23. (Currently Amended) The method of [[C]]claim 49, wherein said associated meta-data comprises:

predetermined categories of meta-data corresponding to a file-type.

Claim 24. (Currently Amended) The method of [[C]]claim 19, wherein said step of time stamping comprises:

time stamping with one of UTC (Coordinated Universal Time) time and another predetermined time zone.

Claim 25. (Currently Amended) The method of [[C]]claim 49, wherein said step of extracting text comprises:

creating an ASCII (American Standard Code for Information Interchange) file of said subset of text.

Claim 26. (Currently Amended) The method of [[C]]claim 25, wherein said step of extracting text further comprises:

converting said image of said selected file to text with an OCR(optical character recognition) program if an ASCII (American Standard Code for Information Interchange) file cannot be created.

Claim 27. (Currently Amended) The method of [[C]]claim 49, wherein said step of extracting text comprises:

searching for a [[key word]]keyword.

Claim 28. (Currently Amended) The method of [[C]]claim 49, wherein said step of extracting text comprises:

extracting a portion of text around said keyword.

Claim 29. (Currently Amended) The method of [[C]]claim 49, wherein said step of processing and converting comprises:

processing with a prioritization scheme keyed to file type.

Claim 30. (Currently Amended) The method of [[C]]claim 29, wherein said step of processing with a prioritization scheme comprises:

processing by one of file extension and file header with a plug-in module.

Claim 31. (Currently Amended) The method of [[C]]claim 30, wherein said step of processing with a plug-in module comprises:

processing with a plug-in module configured to be selected to be 'ON' or 'OFF.'

Claim 32. (Currently Amended) The method of [[C]]claim 30, wherein said step of processing with a plug-in module comprises;

processing with a plug-in module configured to have a user-selectable priority.

Claim 33. (Currently Amended) The method of [[C]]claim 29, wherein said step of processing with a prioritization scheme keyed to file type comprises at least one of:

identifying a file type extension; and

evaluating a binary file header.

Claim 34. (Currently Amended) The method of [[C]]claim 33, wherein said step of processing with a prioritization scheme keyed to file type comprises one of:

identifying said file type extension and evaluating the binary header when the file type extension is unknown; and

evaluating the binary header, and if there is a conflict between the binary header and the file-type extension, one of the binary header or the file-type extension is considered a default first choice, either arbitrarily or based on a predetermined logic keyed to a predetermined file type.

Claim 35. (Currently Amended) The method of [[C]]claim 30, wherein said step of processing with a plug-in module comprises one of:

processing with a plug-in configured to open multiple file types;

processing with multiple plug-ins configured to open a single file-type;

processing with a plug-in created by incorporating a library of a commercially available software product; and

processing with a plug-in comprising a library of programming code that incorporates functionality of a third party library or an application to load, image and extract metadata from a document.

Claim 36. (Currently Amended) The method of [[C]]claim 29, wherein said step of processing with a prioritization scheme keyed to file type comprises:

reading a file that is correlated to a plug-in;

Claim 37. (Currently Amended) The method of [[C]]claim 36, wherein said step of processing with a prioritization scheme keyed to a file type comprises:

reading a file that cannot be processed by the plug-in by using a Microsoft Windows File Type Association and accessing a Windows file registry to determine if a "print" verb is associated with the extension in Windows operating system;

if said "print" verb is found to be associated with the extension, starting a new Windows operating system process with said "print" verb as startup information and feeding the output of said new Windows operating system process to an imaging print driver.

Claim 38. (Currently Amended) The method of [[C]]claim 49, wherein said step of converting comprises:

imaging with an imaging driver.

Claim 39. (Currently Amended) The method of [[C]]claim 3, wherein said step of outputting comprises:

exporting to at least one of an image viewer, a printer, a computer and another media.

Claim 40. (Currently Amended) The method of [[C]]claim 39, wherein said step of outputting comprises:

exporting the output file comprising a predetermined litigation support software file type.

Claim 41. (Currently Amended) The method of [[C]]claim 40, wherein said predetermined litigation support software file type comprises one of:

an IPRO file type, an Opticon file type, a Concordance file type, a Summation file type, a Ringtail file type, a Microsoft Access file type, and other data management file types.

Claims 42-43. (Canceled).

Claim 44. (Currently Amended) The method of [[C]]claim 49, further comprising: pre-filtering and saving pre-filtering criteria.

Claim 45. (Currently Amended) The method of ~~[[C]]~~claim 49, wherein said step of physically loading and copying comprises:

accessing data from an email or instant messaging archive.

Claim 46. (Currently Amended) The method of ~~[[C]]~~claim 45, wherein said step of accessing data from an email or instant message archive comprises:

accessing a printable attachment of an email or instant message.

Claims 47-48. (Canceled).

Claim 49. (Currently Amended) A computer implemented method of processing and converting electronically-stored data for electronic discovery in support of litigation, the method comprising:

physically loading and copying data and associated meta-data into a processor-based device by a user at a user-site from one or more data storage devices located at the user-site, said processor-based device being located at said user-site;

inputting from the user on-site user input to said processor-based device for subsequent processing at ~~[[a]]~~the user-site of a working copy of the data and associated meta-data, said subsequent processing including storing in a local storage device said

data and associated meta-data as the working copy for file processing, while maintaining a document context with respect to other documents;

~~converting with said processor-based device a selected file if said selected file is convertible to a user-specified format, said step of converting including~~
~~extracting and saving file meta-data associated with said selected file,~~
~~extracting text from said selected file,~~
~~creating an image of said selected file,~~
~~processing and converting with said processor-based device the selected file to an output file in the user-specified format, and, said working copy of the data including a plurality of files;~~

~~said file processing of the plurality of files in the working copy of the data~~
~~including:~~

~~_____ identifying a duplication of one or more files within the working copy of the data, including~~

~~identifying a duplication by a hash algorithm,~~

~~_____ checking a duplicate file for file corruption, and~~

~~exporting a duplicated file, and~~

~~converting a selected file to an output file in a user-specified format with said processor-based device if said selected file is convertible to the user-specified format, said step of converting including~~

~~extracting and saving file meta-data associated with said selected file,~~

extracting text from said selected file, and

creating an image of said selected file,

and said file processing further including

checking for a virus and removing the virus from one or more files,

and

checking for encryption of one or more files, and decrypting said

one or more files if encrypted; and

outputting the output file in the user-specified export format for at least one of exporting, reviewing and searching the output file in an external system, wherein said steps of physically loading and copying, inputting, [[converting,]] processing and converting of the file processing, and outputting being performed by said processor-based device at said user-site.

Claim 50. (Currently Amended) A system for processing and converting electronically-stored data for electronic discovery in support of litigation, the system comprising:

a data input device configured to allow a user to physically load and copy data and associated meta-data at a user-site from one or more data storage devices located at the user-site into a processor-based device located at said user-site;

an interface configured to receive on-site user input into said processor-based device for subsequent file processing at the user-site of a working copy of the data and associated meta-data;

a memory;

a processor configured to store in a local storage device said data and associated meta-data as the working copy, while maintaining a document context with respect to the other documents~~[[said processor also configured to convert a selected file if said selected file is convertible to a user-specified format, said converting including extracting and saving file meta-data associated with said selected file, said processor being inside said processor-based device, and processing and converting the selected file with the processor-based device to an output file in the user-specified export format, and]]~~, said working copy of the data including a plurality of files,

said file processing of the plurality of files in the working copy of the data
including:

_____ identifying a duplication of one or more files within the working copy of the
data, including

_____ identifying a duplication by a hash algorithm,

_____ checking a duplicate file for file corruption, and

_____ exporting a duplicated file, and

said processor also configured to convert a selected file to an output file in
a user-specified format if said selected file is convertible to a user-specified
format, said converting including

_____ extracting and saving file meta-data associated with said selected
file,

_____ extracting text from said selected file, and

creating an image of said selected file, said processor being inside
said processor-based device, and
said file processing further including
checking for a virus and removing the virus from one or more files,
and
checking for encryption of one or more files, and decrypting said
one or more files if encrypted; and

an output mechanism configured to output the output file in the user-specified export format for at least one of exporting, reviewing and searching the output file in an external system, wherein said data input device, said interface, and said processor inside said processor-based device being located on said user-site.

Claim 51. (Currently Amended) A computer readable storage medium including instructions that when executed by a computer, controlling the computer so as to process and convert electronically-stored data for electronic discovery in support of litigation, the instructions comprising steps of:

physically loading and copying data and associated meta-data into a processor-based device by a user at a user-site from one or more data storage devices located at the user-site, said processor-based device being located at said user-site;

inputting from the user on-site user input to said processor-based device for subsequent processing at the user-site of a working copy of the data and associated meta-data, said subsequent processing including

storing in a local storage device said data and associated meta-data as the working copy for file processing, while maintaining a document context with respect to other documents; ~~converting with said computer a selected file if said selected file is convertible to a user-specified format, said step of converting including~~
~~extracting and saving file meta-data associated with said selected file,~~
~~extracting text from said selected file,~~
~~creating an image of said selected file,~~
~~processing and converting with said computer the selected file to an output file in the user-specified export format, and, said working copy of the data including a plurality of files;~~

said file processing of the plurality of files in the working copy of the data
including:

_____ identifying a duplication of one or more files within the working copy of the data, including

_____ identifying a duplication by a hash algorithm,

_____ checking a duplicate file for file corruption, and

exporting a duplicated file, and

converting a selected file to an output file in a user-specified format with said computer if said selected file is convertible to the user-specified format, said step of converting including

extracting and saving file meta-data associated with said selected file,

extracting text from said selected file, and

creating an image of said selected file,

and said file processing further including

checking for and removing a virus from one or more files, and

checking for encryption of one or more files, and decrypting said

one or more files if encrypted; and

outputting the output file in the user-specified export format for at least one of exporting, reviewing and searching the output file in an external system, wherein said steps of physically loading and copying, inputting, [[converting,]] processing and converting of the file processing, and outputting being performed by said processor-based device at said user-site.

Allowable Subject Matter

5. Claims 3—7, 9-11, 13, 15-16, 19-41, 44-46, and 49-51 are allowed.
- 6.. The following is a statement of reasons for the indication of allowable subject matter.

With respect to the independent claims, the prior art of record, single or in combination, does not teach or fairly suggest the step of:

"physically loading and copying data and associated meta-data into a processor-based device by a user at a user-site from one or more data storage devices located at the user-site, said processor-based device being located at said user-site;...

said file processing of the plurality of files in the working copy of the data including

identifying a duplication of one or more files within the working copy of the data, including

identifying a duplication by a hash algorithm,

checking a duplicate file for file corruption, and

exporting a duplicated file, and

converting a selected file to an output file in a user-specified format with said computer if said selected file is convertible to the user-specified format, said step of converting including

extracting and saving file meta-data associated with said selected file,

extracting text from said selected file, and

creating an image of said selected file,

and said file processing further including

checking for and removing a virus from one or more files, and

checking for encryption of one or more files, and decrypting said one or more files if encrypted; and

outputting the output file in the user-specified export format for at least one of exporting, reviewing and searching the output file in an external system, wherein said steps of physically loading and copying, inputting, processing and converting of the file processing, and outputting being performed by said processor-based device at said user-site", in combination with the other claimed limitations. Claims 50 and 51 recite similar limitations and are therefore allowed. Dependent claims are allowed for being dependent to an allowed claim.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance".

Contact Information

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to MICHAEL PHAM whose telephone number is (571)272-3924. The examiner can normally be reached on 9am-5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Cottingham can be reached on 571-272-7079. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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